

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$447.00 IN UNITED STATES  
CURRENCY; \$9,474.00 IN  
UNITED STATES CURRENCY;  
\$250.00 IN UNITED STATES  
CURRENCY; \$400.00 IN UNITED  
STATES CURRENCY; \$3,016.15  
IN FUNDS SEIZED FROM  
CAPITAL ONE BANK ACCOUNT  
NUMBER XXXXXX9229, held in  
the name of Wayne J. Hawkins;  
\$10,337.39 IN FUNDS SEIZED  
FROM SYNOVUS BANK  
ACCOUNT NUMBER XXX3501,  
held in the name of Catherine V.  
Hawkins and Wayne J. Hawkins;  
\$29,283.89 IN FUNDS SEIZED  
FROM SYNOVUS BANK  
ACCOUNT NUMBER XXX9993,  
held in the name of Catherine V.  
Hawkins and Wayne J. Hawkins;  
\$92,192.01 IN FUNDS SEIZED  
FROM REGIONS BANK  
ACCOUNT NUMBER  
XXXXXX7651, held in the name of

CIVIL ACTION FILE

NO. 3:21-cv-122-TCB

Hawk Innovative Tech LLC;  
\$101,304.41 IN FUNDS SEIZED  
FROM GEORGIA'S OWN CREDIT  
UNION ACCOUNT NUMBER  
XXXX4037, held in the name of  
Catherine V. Hawkins and Wayne  
J. Hawkins; \$48,177.33 IN FUNDS  
SEIZED FROM GEORGIA'S OWN  
CREDIT UNION ACCOUNT  
NUMBER XXXX4135, held in the  
name of Catherine V. Hawkins and  
Wayne J. Hawkins; and VARIOUS  
PRECIOUS METALS AND BARS  
DESCRIBED IN ATTACHMENT  
A,

Defendants.

## **ORDER**

This case comes before the Court on Claimants Wayne J. Hawkins, Catherine V. Hawkins, and Hawk Innovative Tech, LLC's motion [26] to lift stay.

On August 26, 2021, the Government moved to stay this civil forfeiture action, citing the related ongoing criminal investigation. The Court granted the stay for good cause. Claimants moved for reconsideration, raising four arguments: (1) the Court should have

given them an opportunity to respond; (2) under 18 U.S.C. § 983(a)(1), the Government is required to return the property; (3) there is no evidence of a criminal investigation; and (4) the terms of the stay are overbroad. The Court denied the motion, finding that there will be an adverse impact on the criminal investigation if discovery in this case is permitted to proceed. 18 U.S.C. § 981(g)(1); *see, e.g., United States v. Funds, In Amount of \$1,699,675.00 (U.S.)*, No. 1:13-cv-21459, 2014 WL 687553, at \*3 (S.D. Fla. Jan. 16, 2014).

Claimants now move to lift the stay, raising only one new argument in support: that in its motion to stay proceedings, the Government asked for at least 120 days to complete its criminal investigation, and it has been well over 120 days.

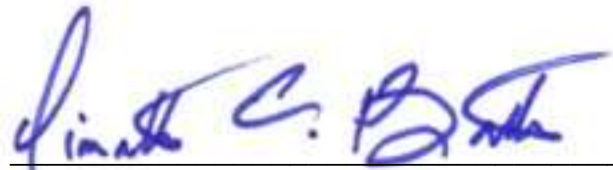
This argument is misleading. In its motion to stay, the Government asked the Court to “stay this proceeding until the conclusion of the criminal investigation and resulting prosecution, if any, or alternately at least for 120 days.” [21-1] at 7. The Court granted the stay, and when denying Claimant’s motion for reconsideration, it

directed the Government to notify the Court when the criminal investigation concluded. The stay was not limited to 120 days.

Claimants' remaining arguments have already been considered and rejected by the Court when it denied their motion for reconsideration.

The Court reiterates its determination that allowing this action to proceed would interfere with the ongoing criminal investigation and finds that the stay should remain in place until the conclusion of the investigation and resulting prosecution. Accordingly, the motion [26] to lift stay is hereby denied.

IT IS SO ORDERED this 31st day of May, 2022.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", is written over a horizontal line.

Timothy C. Batten, Sr.  
Chief United States District Judge